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18 *Allegiant Air, LLC*

19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 COLLIN COFFMAN,
22 Plaintiff,
23 v.
24 ALLEGIANT AIR, LLC,
25 Defendant.

26 Case No. 2:20-cv-01444-GMN-BNW

27 **DEFENDANT'S REQUEST FOR**
28 **EXCEPTION FROM ATTENDANCE**
29 **AT EARLY NEUTRAL EVALUATION**

30 Defendant ALLEGIANT AIR, LLC (“Allegiant Air” or “Defendant”), by and through its
31 counsel Jackson Lewis P.C., respectfully requests an exception to the early neutral evaluation
32 (“ENE”) attendance requirements. Specifically, Defendant requests that Defendant’s insurance
33 carrier be excused from attending the ENE. Should the Court require, the carrier representative can
34 be available by telephone.

35 This request for exception is based on the fact that, although Defendant’s employment
36 practices liability is insured with Nationwide, Defendant has a substantial, six-figure self-insured

1 retention and any resolution of this matter at the ENE will be funded solely by Defendant. Plaintiffs
2 Jeremy Coffman and William Adams are claiming \$35,000 and \$30,000, respectively, in lost wages
3 and benefits, unspecified compensatory damages, and reinstatement to their former positions with
4 Allegiant Air. *See* Plaintiffs' Initial Disclosure Statement, pp. 5-6. a true and correct copy of the
5 relevant portion is attached hereto as **Exhibit 1**. Plaintiffs Jeremy Adams, Earnest Bowne, Eddie
6 Muriel and Matthew Schoen are not claiming any monetary damages and seek only injunctive relief.
7 *Id.*

8 Given the nature of the allegations against Allegiant Air and Plaintiffs' Computation of
9 Damages, it and Nationwide both agree that this matter can be resolved within Defendant's retention
10 given that the settlement value of this case is well within the amount of Defendant's retention. The
11 insurance representative's absence will not adversely affect the ENE, and those present will have
12 the appropriate settlement authority to reach a reasonable resolution at the ENE.

13 Based on the foregoing, Defendant respectfully requests Defendant's carrier be excused from
14 attending the ENE currently scheduled for January 8, 2021, at 10:00 a.m., or as thereafter
15 rescheduled. Should the Court require, the carrier representative will be available telephonically.

16 DATED this 23rd day of December, 2020.

17 JACKSON LEWIS P.C.

18 /s/ Joshua A. Sliker
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23 *Attorneys for Defendant*
24 **IT IS SO ORDERED.** *Allegiant Air, LLC*

25 DATED: December 29, 2020

26 
27 DANIEL J. ALBREGTS
28 UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

EXHIBIT 1

Relevant Portions of Plaintiffs' Initial Disclosure Statement

EXHIBIT 1

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13 *Counsel for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 COLLIN COFFMAN, et al.

17 Plaintiffs,

18 vs.

19 ALLEGIANT AIR, LLC, a domestic limited
20 liability company,

21 Defendant.

22 CASE NO: 2:20-cv-00224-GMN-BNW

23 **PLAINTIFFS INITIAL DISCLOSURE
STATEMENT**

24 Plaintiffs, by and through their attorneys of record, Nathan R. Ring of Novara Tesija &
25 Catenacci and Nicolas Manicone, Esq., do hereby make their initial disclosures in the above-captioned
case pursuant to Rule 26 of the Federal Rules of Civil Procedure and pursuant to United States District
Court for the District of Nevada Local Rule 26-1, as follows:

26 **Witnesses [FRCP 26(A)(1)(A)]**

27 The following witnesses are presently known to have knowledge of facts concerning the material
28 allegations of the Plaintiffs' Complaint filed herein and the Defendants' defenses thereof:

29
30 a. Collin Coffman, plaintiff, may be contacted through undersigned counsel for Plaintiffs.
31 Witness is believed to have information pertaining to his participation in the International
32 Brotherhood of Teamsters' (IBT) organizing campaign to represent Allegiant mechanics;

- 1 a. December 2017 IBT flyer including names of Allegiant employed mechanics in support of
- 2 the IBT organizing drive.
- 3 b. Letter from Allegiant to Plaintiff Collin Coffman informing him of his rights to elect health
- 4 benefits under COBRA.
- 5 c. Paystubs demonstrating Mr. Coffman's wages while employed at Allegiant, documents
- 6 showing Mr. Coffman's expenses incurred as result of his having lost Allegiant health
- 7 insurance benefits, and additional documents demonstrating Mr. Coffman's income since his
- 8 unlawful discharge by Allegiant.
- 9 d. Mr. William Adams' statement to Arizona Department of Economic Security regarding his
- 10 unemployment claim.
- 11 e. Paystubs demonstrating Mr. William Adams' wages while employer at Allegiant, documents
- 12 showing Mr. Adams' expenses incurred as a result of his having lost his Allegiant health
- 13 insurance benefits, and additional documents demonstrating Mr. Adams' income since his
- 14 unlawful discharge by Allegiant.
- 15 f. August 14, 2020 petition from Plaintiffs Jeremy Adams and Earnest Bowen and others
- 16 directed to Allegiant management regarding Allegiant's practice of harassment and bullying
- 17 of employees.

18 All of these documents are known to be in the possession of the Plaintiffs in this matter and can
19 be made available to Defendant upon discovery request. Some of the documents, to include paystubs and
20 the petition to Allegiant management are also believed to be in the possession of Allegiant. Plaintiffs
21 have not yet completed their investigation or discovery in this Action, and it is anticipated there will be
22 additional documents discovered that are relevant to this Action. Plaintiffs will provide information
23 concerning these additional documents and their location as soon as they are known to Plaintiffs.

24 **Computation Of Damages Pursuant to FRCP 26(A)(1)(A)(iii)**

25 Plaintiffs' claims and computation of damages against Defendant are as follows:

- 1 a. Mr. Collin Coffman has lost approximately \$35,000 in wages and benefits, as well as other
2 currently unquantifiable compensatory damages, due to Allegiant's unlawful actions taken against
3 him. Mr. Coffman also seeks an order reinstating him to his former position with Allegiant.
- 4 b. Mr. William Adams has lost approximately \$30,000 in wages and benefits, as well as other
5 currently unquantifiable compensatory damages, due to Allegiant's unlawful actions against him.
6 Mr. Adams also seeks an order reinstating him to his former position with Allegiant.
- 7 c. The remaining plaintiffs – Mr. Jeremy Adams, Mr. Bowen, Mr. Muriel and Mr. Schoen – are not
8 alleging they suffered loss of pay or benefits, or other quantifiable costs, at this time. However,
9 they seek relief from this Court in the form of an order requiring Allegiant to stop its violations of
10 the Railway Labor Act and retaliatory actions against each of them.

11 Plaintiffs, Collin Coffman's and William Adams', damages are ongoing and increase with each
12 passing day to include lost wages and benefits, opportunities, and prejudgment interest.

13 **Any Insurance Agreement Under Which An Insurance Business May Be Liable To Satisfy All Or**
14 **Part Of A Possible Judgment In The Action Or To Indemnify Or Reimburse For Payments Made**
15 **To Satisfy The Judgment [FRCP 26(A)(1)(A)(IV)]**

16 Plaintiffs are unaware of any insurance policy of any party that would be liable to satisfy all or
17 part of a judgment in this action or to reimburse Defendant for payments made to satisfy such a judgment.

18 Dated: December 11, 2020

NOVARA TESIJA & CATENACCI, PLLC

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24 Dated: December 11, 2020

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